

## GIBSON'S BURIAL THEORY CRUMBLING

Strangulation, Not by Undertaker, Produced Mark on Mrs. Szabo's Throat, Says Dr. G. W. King.

## ENACTS STRUGGLE FOR JURY

Accused Lawyer's Hand Went Toward Upper Part of Woman's Body Before Both Went Out of Boat, Says Lake Storekeeper.

(From a Staff Correspondent of The Tribune.) Goshen, N. Y., Nov. 20.—Although Burton W. Gibson and his wife came into court this morning in the care-free and almost merry manner that has characterized them since the lawyer's trial began, they went away at the end of to-day's session visibly disheartened. The ordeal of to-day was the most discouraging that they have undergone since Gibson was arrested for the murder of Mrs. Rosa Szabo. Witness after witness contributed damaging facts to the case which the prosecution is building. The two chief witnesses were John McInturn and Dr. George W. King, of Jersey City, and against their evidence the lawyers for the defence centred the hardest blows of their cross-examination, without succeeding either in confusing them or in drawing additional statements which might tend to weaken their testimony given under direct examination.

Dr. King Disappointed Defence. It was admitted by the defence that Dr. King also had been subpoenaed as a witness for Gibson, and it is known that this action had been based on the belief that Dr. King would give testimony adverse to Dr. Otto Schultze, who declared at the preliminary hearing that the woman met her death in Greenwood Lake by strangulation applied from without.

However, Dr. King, who performed the autopsy with Dr. Schultze, supported Schultze in every way to-day, making in some respects even a stronger witness than Dr. Schultze did at the hearing.

As Dr. Schultze did at that time, Dr. King described minutely the position in which he found the organs of the throat forced against the roof of the woman's mouth, and declared it to be his firm belief that such a condition could have been caused only by pressure applied from the outside.

He also brought out the fact that a woman's pneumogastric nerve would have been affected by this pressure, the result of which would be to produce almost immediate death, or at least unconsciousness.

Taking up the question, raised by the defence yesterday, that the contorted condition of the dead woman's throat might have been caused by the manipulation of the undertaker in twisting the head into a straight position preparatory to burial, Assistant District Attorney Wasservogel asked Dr. King in a hypothetical question whether a condition like that could have been brought about by such means.

"It could not," replied Dr. King. The defence, however, was not ready to abandon the hope of establishing an undertaker's agency in producing the situation found in the throat. Dr. John J. A. O'Reilly, a medical juris-consult, who took charge of cross-examining Dr. King for the defence, asked whether a prop, such as undertakers sometimes place under a dead person's chin to fix the natural position of the head, might not have caused a condition similar to that found in Mrs. Szabo's throat.

"A short time after I performed the autopsy on Mrs. Szabo's body," replied Dr. King, "I saw a body lying in the

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## DIVORCED MINISTER REJECTED AS BISHOP

Albany Episcopal Diocese Refuses to Sanction Consecration of Dr. H. B. Silver for Kansas See.

(By Telegraph to The Tribune.) Albany, Nov. 20.—The Albany Diocese of the Episcopal Church, at its annual convention to-day, refused its consent to the consecration of the Rev. Dr. H. B. Silver as Bishop of Kansas, on the ground that he is divorced. A clergyman elected as an Episcopal Bishop must receive the confirmation of the other dioceses of the country before he can be consecrated.

The standing committee of the Albany diocese had decided adversely to Dr. Silver. The Rev. Paul Birdsall, at the convention this afternoon, introduced a resolution "cordially approving" the action of the committee because Dr. Silver's consecration might encourage "divorces and the remarriage of divorcees."

"The man is divorced," said Bishop Doane in the discussion; "that is enough to make it improper for him to be consecrated."

Mr. Birdsall said that the resolution

should not be taken to cast any reflection on the character of Dr. Silver.

"I know him to be a fine man," he said. "He is legally divorced, but this action was forced on the convention, although it places Dr. Silver in a cruel position."

After the resolution was adopted Dean Brookman, of the Albany Cathedral, moved that it be reconsidered, saying that as there was nothing against Dr. Silver's character his name should not be specifically mentioned.

The Rev. Dr. James Caird, of Troy, a member of the standing committee, attempted to read a letter explaining the action of the committee, but was prevented by many of the clergymen present, who objected to having the information disclosed in public. A motion to amend the Birdsall resolution so as not to mention the name of Dr. Silver specifically finally was adopted, although Bishop Doane thought that no change should have been made.

## CHINA PROTESTS TO RUSSIA Claims Control of Mongolia's Foreign Relations.

Peking, Nov. 20.—The Chinese government has opened negotiations with the Russian Legation in respect to Russia's recent recognition of the autonomy of Mongolia, which has created an anti-Russian agitation throughout the province.

The Minister of Foreign Affairs to-day visited the legation and expressed China's claim to the control of Mongolia's foreign relations. He suggested that no foreign power should send troops to Mongolia, and that China's representative should have a guard there as in Tibet.

Recent dispatches indicated that many of the Mongolian princes were strongly opposed to the convention between Russia and Mongolia by which Russia recognizes and guarantees the independence of Mongolia. They urged President Yuan Shi-kai to afford military protection to those Mongolians ready to join the Chinese Republic. Troops to the number of 4,000, attached to the northern army, are already under orders to proceed to the Mongolian frontier if necessary.

## RARE GIFT BY MORGAN

Autographs of All "Signers" Presented to Nation.

Washington, Nov. 20.—A rare volume containing autographs of all the signers of the Declaration of Independence was presented to-day, through President Taft, to the Congressional Library by J. Pierpont Morgan. The gift was brought to the White House and submitted to President Taft by Herbert Putnam, Librarian of Congress, with the letter from Mr. Morgan.

This set of original manuscripts is one of the few complete collections of such autographs. Most of them are letters written throughout by the signers. The volume is sumptuously bound.

In his letter to the President offering the gift Mr. Morgan said:

"During the recent visit of Herbert Putnam, the Librarian of Congress, to my library I learned with chagrin and regret that our national library does not possess a complete set of letters or documents of the signers to the Declaration of Independence. As a citizen who appreciates the value and significance of such a collection, I herewith present to the United States of America, to be deposited in the Library of Congress and administered therein by the authorities thereof, a complete bound set of letters and documents of the signers to the Declaration of Independence, which, it seems to me, is more fittingly preserved in the national library than in that of any individual."

## SHOTS THREE FOR A DOG

Occupants of Auto Wounded or Running Over Animal.

(By Telegraph to The Tribune.) Erie, Penn., Nov. 20.—Pointing the weapon straight at their faces, less than ten feet away, Lloyd D. Pagtorious fired both barrels of his shotgun and seriously wounded Mr. and Mrs. William H. Forster, wealthy residents of Erie, whose automobile had just killed his hunting dog. George Keller, the chauffeur, was slightly wounded. Mr. Forster, who is in Hamot Hospital, will probably recover, but the physicians say Mrs. Forster's condition is critical.

Pastorius was arrested. He does not deny the shooting, but says he did not mean to kill any one. Mr. Forster is president of the Hayes Manufacturing Company and the Northwestern Pipe Wrench and Supply Company and treasurer of the Hamot Hospital Corporation.

## HARBURGER'S SON HURT

Steel Pile Breaks His Leg in Car Foundry Plant.

(By Telegraph to The Tribune.) Berwick, Penn., Nov. 20.—Buried beneath an immense pile of steel ends when a supporting beam gave way, Benjamin Harburger, son of the New York Sheriff, serving an apprenticeship in the local American Car and Foundry plant, had a narrow escape from death to-day.

It was necessary to pry up the heavy steel ends before the young man was released. Harburger's right leg was broken, his left ankle sprained, and he suffered cuts and bruises on his body.

FANCY STORAGE EGGS 32c. DOZ. Packed in sealed cartons and guaranteed sound and sweet by Acker, Merritt & Condit Co.—Adv.

DEWEY'S SUPERIOR PORT WINE. Indispensable for Invalids and Convalescents. H. T. Dewey & Sons Co., 138 Fulton St., N. Y.—Adv.

## INFORMERS TO BE SET FREE TO-DAY

Rose, Weber and Vallon Will Seek Temporary Obscurity to Save Their Skins—Celebrate in Jail.

## FOOTLIGHTS FOR SCHEPPS

Little Lobbygow Says He's Going Into Vaudeville, but Turns Up His Nose at Offer of \$200 a Week.

The gunmen's sentence day was set for Tuesday by Justice Goff yesterday, and interest in the Rosenthal case and its ramifications thereupon centred around the release and future plans of the four men in the West Side court prison who figured as the informers for the state at the trials of Charles Becker and the four Zelig gangsters. Plans for the release to-day of "Bald Jack" Rose, "Bridgey" Weber, Harry Vallon and "Sam" Schepps were completed last night by District Attorney Whitman, who arranged with Coroner Feinberg to sign the papers for their formal discharge this morning.

Mr. Whitman said last night that all four men had stipulated they would be available to the District Attorney's office should they be needed as witnesses at the trial of "Jack" Sullivan or at the future "John Doe" graft inquiry before Justice Goff.

The District Attorney said he felt bound in good faith under the agreement with the four witnesses prior to the Becker trial to discharge them from custody. Rose and Vallon, and possibly Schepps, will be needed as witnesses against "Jack" Sullivan, the last of the defendants to be tried on the indictment for the murder of Herman Rosenthal. Weber's knowledge of police graft would be helpful to the "John Doe" inquiry, it was said, but the graft inquiry was not expected to begin until after the first of the year.

## No Fear of Gunmen.

It had been expected that Rose and his companions would be released under cover of night from the West Side prison in order that their departure might not be heralded to those friends of the gunmen who might seek revenge. District Attorney Whitman said yesterday, however, that no plans had been made for their personal protection. Bernard H. Sandler, counsel for Rose, Schepps and Vallon, said that although his clients had received numerous threats against their lives, they were willing to take their own chances. "With the death of 'Big Jack' Zelig and the conviction of the four gunmen," said Mr. Sandler, "they feel that the danger from gangsters and gunmen is about passed."

According to Mr. Sandler, Schepps will go directly to Hot Springs, where he will make his future home, and later take a vaudeville contract for his appearance in monologues in the West. Rose will seclude himself and family in some nearby town until he has finished his book, "Twenty Years in the Underworld," and then probably go abroad. Vallon is undecided in his plans and probably will not leave New York for some little time. Weber expects to sail for Europe in a few days with his family for an absence of three months, it was said. Schepps indignantly turned down an offer of \$200 a week from a Western vaudeville manager yesterday, his counsel said. He wanted more money.

District Attorney Whitman said he would move for the dismissal of the indictment against William Shapiro, the chauffeur of the "murder car," before Justice Goff to-day or to-morrow. The District Attorney said he considered that Shapiro was more deserving of release than any of the others. He was convinced that Shapiro was innocent of any complicity in the Rosenthal murder.

Shapiro fears that his life will be in great danger when he is released, and he desires to get as far away from New York as he can. He has no money and his aged mother is dependent on him. Mr. Whitman said that he intended personally to help Shapiro to go away with his mother.

## Goff Criticizes New Law.

Rose, Vallon and Weber all asserted yesterday that Shapiro was entirely innocent in regard to the Rosenthal murder. The four convicted gunmen, "Whitey" Lewis, "Dago" Frank, "Lefty" Louie and "Gyp" the Blood, were arraigned before Justice Goff at the opening of court yesterday, and the day for pronouncing the death sentence upon them was fixed for next Tuesday. It is customary to set the date for execution about six weeks from the time of sentence. That would be some time during the second week in January, 1913. Sheriff Harburger announced yesterday that he would take the four defendants to the death house at Sing Sing directly from the courtroom on the day of sentence.

The four prisoners showed little physical effects of the shock of the verdict of guilty when they were brought into court yesterday. They smiled at each other, and seemed unconcerned as they were escorted to the prisoner's bar.

## WHITE HOUSE COW TO GO

Nona of Avon to Replace Pauline Wayne When Taft Quits.

Washington, Nov. 20.—Pauline Wayne, presented to President Taft by Senator Stephenson, of Wisconsin, will cease to be the White House cow on March 4. With the incoming of Governor Wilson her post of distinction will fall to Nona of Avon, a registered animal, said to be valued at \$5,000. Nona will be the gift of William Gal-laway, of Waterloo, Iowa.

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CHARLES H. HYDE (TO RIGHT) AND HIS BONDSMAN.



## SAVE HYDE FROM JAIL BY RUSHING TRIAL

Justice Goff Relents When Attorneys Promise to Finish Case in a Week.

## JURY SELECTED QUICKLY

Former City Chamberlain at Last Faces Court in Connection with Wrecking of Carnegie Trust Co.

## THE JURY WHICH WILL TRY HYDE.

WALTER W. TINSLEY, No. 408 East 135th street, The Bronx, a coal merchant at No. 231 Ryder avenue, The Bronx.

WILLIAM O. MORSE, No. 170 West 73d street, secretary and treasurer of a firm which imports coffees, teas and spices, at No. 85 Wall street.

BELDON M. N'NEAL, No. 237 West 76th street, insurance broker, at No. 56 Maiden Lane.

AXEL G. ANDERSEN, No. 1182 Madison avenue, cashier of an embroidery concern at No. 436 Lafayette street.

MERCER M. RAMSAY, No. 600 West 163d street, flour, at Stone street and the North River.

HARRY F. DONNELL, No. 317 West 107th street, architect, at No. 225 Fifth avenue.

WILLIAM H. ERSKINE, No. 2998 Perry avenue, The Bronx, drygoods, retired.

JOHN C. HANKINSON, No. 527 West 111th street, builder, at No. 147 Watts street.

FRANCIS B. COLTON, Sage Foundation, architect, Marbridge Building.

ALONZO B. BRADLEY, No. 260 West 176th street, consulting engineer, at No. 41 Park Row.

HENRY S. LOUD, No. 32 West 40th street, mechanical engineer, at No. 165 Broadway.

IMLAY BENET, No. 137 West 87th street, banker, at No. 115 Broadway.

Charles H. Hyde, the former City Chamberlain, who was indicted for bribery a year and a half ago, following the crash of the Carnegie Trust Company, came to trial yesterday. In place of Justice Vernon M. Davis, whose Criminal Term of the Supreme Court he had made every legal effort to escape, he faced Justice Goff. With the defendant sat John B. Stanchfield and Max D. Steuer, his counsel. Frank Moss and John Kirkland Clark, Assistant District Attorneys, assisted Mr. Whitman.

When court adjourned for the day, shortly after 4 o'clock in the afternoon, these men had picked the entire jury of twelve. In fact, the expedition with which prosecution and defence agreed upon the jurors has probably saved Hyde from a week in jail, since it was only the consideration of a speedier trial which prevented Justice Goff from sending the defendant to the Tombs pending the verdict. On this point the court said:

"It has been my custom to place defendants in criminal cases before me in close custody until the jury has rendered a verdict. Only twice have I swerved from my rule. In one of these cases I made the exception on account of extreme age and the other on account of sickness. Is there any

## PEACE LOOMS BIG; ENVOYS ARE NAMED

Turkey Appoints Nazim Pacha, Izzet Pacha and Chadan Bey to Negotiate Armistice.

## CHOLERA, A COMPLICATION

Bulgarians Retiring to More Sanitary Positions—St. Sophia Made Hospital to Prevent Enemies from Entering.

(By Cable to The Tribune.)

London, Nov. 21.—There is a truce at Tchataldja, and prospects for peace are brighter and more hopeful than for some time past. In reply to the Turkish appeal the allies have consented to negotiate for an armistice, which, if successfully arranged, will be followed by pourparlers for peace. Turkey has already named delegates. Besides Nazim Pacha, they are Izzet Pacha, chief of staff, and Osman Nizami Pacha, formerly Ambassador to Berlin. The Bulgarian government's representatives are not yet nominated, or if they are their names are not revealed, but probably they will be General Savoff, commander in chief, and another general.

In the mean time orders have been sent to the Bulgarian troops at Tchataldja to cease fighting and await the issue of the negotiations for an armistice. Heavy firing was again heard yesterday at Constantinople, but this may have been Turkish warships unaware of negotiations shelling the Bulgarians.

In these circumstances, and in view of the appalling ravages of cholera, it is hardly conceivable that the Turks can resist the terms imposed by the allies.

The establishment of a British protectorate over Egypt will, it is stated, follow the overthrow of the Ottoman Empire in Europe.

A Sofia dispatch to "The Standard" says that the delegates appointed by the Balkan league to discuss the armistice include Bulgarian, Greek and Servian officers.

A Constantinople dispatch to "The Jewish Chronicle" asserts that the Greek soldiers at Salonica sacked the Jewish quarter, ransacking and destroying the synagogues and attacking the women. Terror and desolation prevail, and, according to the dispatch, the chief rabbis of Salonica and Constantinople are invoking the protection of the French and British ambassadors.

The Balkan allies have definitely abandoned the idea of the partition of Albania, according to a Sofia dispatch to "The Daily Mail." They will consent to Albanian autonomy, and an autonomous administration will be set up by stages with the aid of the Balkan States.

Constantinople, Nov. 20.—Nazim Pacha, commander in chief of the Turkish army; Izzet Pacha, chief of General Staff of the War Office and leader commander in chief in Yemen, and Chadan Bey, Councillor of State, have been appointed the Ottoman plenipotentiaries for the negotiation of an armistice with the Bulgarian representatives. It is understood that General Savoff, the Bulgarian leader, will be one of the plenipotentiaries of Bulgaria.

The question of peace bulks largely in the foreground. The fact that the official communications with regard to the Bulgarian reply, issued at both Constantinople and Sofia, make no mention of preliminary conditions has given rise to comment, as it was generally expected that Bulgaria would insist on fixing bases before consenting to enter upon negotiations. Indeed, the belief was very general that Bulgaria would demand the capitulation of Adrianople and other fortified places, and the Foreign Minister recently stated to the ambassadors that Turkey would refuse to entertain any such stipulation.

Apparently Bulgaria has found good reasons for refraining from such an attitude, especially as the entering upon pourparlers will not compel the suspension of hostilities until the armistice has been actually signed.

As has already been pointed out, the question of cholera complicates the issue at Tchataldja, and to-day it is rumored that the Bulgarians are retiring to more sanitary positions near Thorlu. A violent cannonading audible this afternoon in the direction of Derkos, however, would indicate that some engagement is in progress in that quarter.

## Heavy Gun Firing Heard.

Heavy gun firing was audible at 4 o'clock this afternoon from the direction of Blyuk Chekmedye, at the Sea of Marmora end of the Tchataldja fortifications. It is believed that a Turkish warship was firing at the Bulgarians. This morning all was quiet in the neighborhood of Blyuk Chekmedye and Tchataldja.

Fresh troops are arriving daily by steamer and train from Asia Minor. The Porte has applied to the embassies and legations for the withdrawal of the naval contingents landed on Monday, on the ground that their presence is not necessary, while it is added that should danger arise there will always be time enough to take measures of precaution.

The ambassadors and ministers at a meeting to-day discussed the request. It is understood that they decided to

## STARTS LIFE GRAY HAired

Kentucky Town Excited Over Birth of "Aged" Boy.

(By Telegraph to The Tribune.) Whitesburg, Ky., Nov. 20.—The whole of this prosperous farming community is excited to-night over the birth of a baby boy with a full head of gray hair. The boy was born this morning, his mother being the wife of John H. Craft, of Pine Creek.

Hundreds of friends and neighbors of the Craft family besieged the home all day to get a glimpse of the gray-haired baby. Everybody wants to see him.

## DIES AT WHEEL OF AUTO

Driver's Body and Women Thrown Out by Crash.

Hill, N. H., Nov. 20.—George A. Sumner, for fourteen years postmaster of this town and a former Representative in the State Legislature, dopped dead from heart failure while at the steering wheel of his automobile to-day and the machine crashed into a fence.

Sumner's body, his daughter and a woman friend were thrown out. The latter, Mrs. Joseph Chaffee, was badly shaken and somewhat bruised. Miss Sumner was uninjured. Mr. Sumner was seventy-three years old.

## MIDDIES MOURN MASCOT

Colic Kills Goat That Brought Victories on Gridiron.

(By Telegraph to The Tribune.) Annapolis, Nov. 20.—Bill, the goat that paraded the side lines at Franklin Field, Philadelphia, on two successive years in which the Navy bore off the palm of victory over the Army football team, is dead, and the midshipmen are in mourning.

Bill was measured for his new suit this week, but he succumbed to an attack of colic, which seized him last night.

Bill was the property of a negro attendant at Bancroft Hall. A big Angora has been obtained in Bill's place, but the old mascot will be stuffed and kept in Bancroft Hall.

## BOXER SCARED TO DEATH

Youth Falls Unconscious Before Blow Is Struck.

Frederick Merten, eighteen years old, a clerk at No. 163½ West 102d street, died suddenly last night in the Century Club, in the rear of No. 148 West 100th street, as he was about to engage in a boxing exhibition with Thomas Holmes, nineteen years old, of No. 147 West 100th street.

Merten had just had the boxing gloves tied to his hands and was about to shake hands with Holmes when he reeled and fell against him. Holmes, thinking Merten was joking, shoved him aside, and Merten fell to the floor. One of the score of young men who were grouped around the two, seeing that something was wrong with Merten, ran to the West 100th street station and requested that an ambulance be summoned.

Detective Wilbur accompanied the young man to the clubhouse, and saw at a glance that Merten was dead. When Dr. McNeal arrived from the J. Hood Wright Hospital he pronounced Merten dead, and said that death was probably due to heart failure, induced by excitement. Although all the young men, about twenty in number, said that no blows had been struck, Holmes was held on a technical charge of homicide.

## WHISKERS BURN; FARMER DIES.

Middletown, N. Y., Nov. 20.—A spark from the pipe of John E. Gilson, a farmer, eighty years old, of Greenville, ignited his long whiskers. The flames spread to his clothing, and he was burned to death.

## BUSINESS MEN OF NEW YORK

Should order The Journal of Commerce delivered at their homes every business morning. All news stands keep it. 5 cents per copy.—Adv.